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10/777,604	02/11/2004	Yao-Ching Stephen Chen	SVL920030096US1/2962P	4627

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EXAMINER
PANNALA, SATHYANARAYA R

ART UNIT	PAPER NUMBER
2164	

NOTIFICATION DATE	DELIVERY MODE
01/06/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent@sawyerlawgroup.com

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 October 2008*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 26* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1 and 26* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

10/7/2008 has been entered.

Response to Amendment

2.   Applicant's Amendment filed on 10/7/2008 has been entered with amended claim

1 and cancelled claims 9, 17 and 30. In this Office Action, claims 1 and 26 are pending.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of

making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

art to which it pertains, or with which it is most nearly connected, to make and use the same and shall

set forth the best mode contemplated by the inventor of carrying out his invention.

4.   Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with

the enablement requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to enable one skilled in the art to which it

pertains, or with which it is most nearly connected, to make and/or use the invention.

Specifically, since the claimed invention is not supported by either a specific and

substantial asserted utility or a well established utility for the reasons set forth above,

one skilled in the art clearly would not know how to use the claimed invention. Applicant

has claimed the specific as "the locking scheme retrieves the hidden timestamp

column", which is not supported by the specification or the drawings.

Claim Rejections - 35 USC § 101

5.   35 U.S.C. § 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

6.   Claim 1 is rejected under 35 U.S.C. 101 as not falling within one of the four

statutory categories of invention. While the claims recite a series of steps or acts to be

performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to another

statutory category (such as a particular apparatus), or (2) transform underlying subject

matter (such as an article or material) to a different state or thing (Reference the May

15, 2008 memorandum issued by Deputy Commissioner for Patent Examining Policy,

John J. Love, titled "Clarification of 'Processes' under 35 U.S.C. 101"). The instant

claims neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps of providing a table in the database with a hidden timestamp column..., which can all be done mentally, and therefore do not qualify as a statutory process.

Claim 26 is rejected under 35 U.S.C. 101 as being dependent on an independent claim which has been rejected under 35 U.S.C. 101.

7.   Claim 1 rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a *specific and substantial* asserted utility or a well established utility. Applicant has claimed specific as "the locking scheme retrieves the hidden timestamp column", which is not supported by the specification or the drawings.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

> Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates
>
> of each claim that was not commonly owned at the time a later invention was made in order for the
>
> examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior
>
> art under 35 U.S.C. 103(a).

9.   Claims 1 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Yoshimura et al. (US Patent 6,882,994) hereinafter Yoshimura, in view of Norcott et al.

(US Patent 6,999,977) hereinafter Norcott, in view of Shwartz (US Patent 5,812,840)

hereinafter Shwartz and further in view of Applicant Admitted Prior Art (APA).

10.   As per independent claim 1, Yoshimura teaches a querying method in which a

first data item is obtained form database management system database table in

response to a query request (col. 2, lines 14-17). Yoshimura teaches the claimed,

providing a table in the database system, the table including a plurality of rows of data

(col. 3, lines 26-28). Yoshimura teaches the claimed, the timestamp column does not

appear in the database schema by default and exposes the timestamp value for a given

row of data in the table only to a query that calls the timestamp column by name (col. 1,

lines 19-25). Yoshimura teaches the claimed, in response to the query, the timestamp

column returning the timestamp value to the application for use by the application

(col. 1, lines 20-25).

        Yoshimura does not explicitly teach hiding a column. However, Shwartz teaches

hiding a column of a table (Fig. 1A, D, E, col. 13, lines 37-38).   Thus, it would have

been obvious to one of ordinary skill in the data processing art at the time of the

invention, to have combined the teachings of the cited references because Shwartz's

teachings would have allowed Yoshimura's method to hide the complexities of SQL

from the user, similarly hiding column not useful to users (col. 4, line 10).

Yoshimura and Shwartz do not explicitly teach timestamp column in a table.

However, Norcott teaches the claimed, providing a timestamp column in the table in the

database system, the hidden timestamp column including a timestamp value for each

row of data in the table, the time stamp value indicating a last time a corresponding row

of data in the table was modified, (Fig. 1, col. 5, lines 14-18). Thus, it would have been

obvious to one of ordinary skill in the data processing art at the time of the invention, to

have combined the teachings of the cited references because Norcott's teachings would

have allowed Yoshimura's method to allow data extraction, transport and loading with

techniques, which do not require schema changes, are robust and do not suffer from

data loss or double counting problems (col. 2, lines 56-59). Further, Norcott teaches the

claimed, receiving a query to obtain a timestamp value from the hidden timestamp

column, wherein the query calls the timestamp column by name (col. 3, lines 40-42).

AAPA teaches the claimed, the application uses the returned timestamp value for

controlling a locking scheme associated with recording data updates in the database

system (Paragraph [0003]). Thus, it would have been obvious to one of ordinary skill in

the data processing art at the time of the invention, to have combined the teachings of

the cited references because AARP's teachings would have allowed Yoshimura's

method to automatically updating timestamp for database systems (paragraph [0006]).

The above claimed limitation teaches the added limitation, **the locking scheme**

retrieves the hidden timestamp column, the hidden column value can be queried and

retrieved or received. The hiding of a column is from user visualization and it can be

retrieved by an application using a proper database query.

11.   As per dependent claim 26, Yoshimura teaches the claimed, the timestamp value

corresponding to a given row of data in the table is automatically updated each time

data in the given row has been modified (col. 1, lines 20-25).

Response to Arguments

12.   Applicant's arguments filed on 10/7/2008 have been fully considered but they are

persuasive and details as follows:

a)   Applicant argument regarding the rejection of claim 17 under 35 U.S.C.

stated as "Applicant respectfully asserts that claim 17 has been cancelled with

this amendment."

In response to Applicant argument, examiner agrees, because Applicant

cancelled the claim 17 and moot to discuss regarding the cancelled claim.

b)   Applicant arguing the amended part of the claim 1 and stated as "the

application uses the returned timestamp value for controlling locking schema..."

In response to Applicant argument, examiner disagrees, because

Applicant added limitation to claim 1, and AAPA teaches as "Applications

commonly use this timestamp column for controlling optimistic locking schemes"

paragraph [0003].   And further teaches as, by incorporating a proper query the

value of a hidden timestamp column for a table can be retrieved by an

application, like locking scheme.

c)   Applicant's argument regarding claim 1 rejection under 35 U.S.C. 103(a)

stated as "Since the AAPA fails to contemplate the use of timestamp value from

a hidden timestamp column for use in controlling locking schemes."

In response to Applicant argument, Examiner respectfully disagrees.

Because, Applicant have added a limitation in the previous amendment which is

not supported by the current invention. Further, in this amendment, Applicant

added again the additional limitation to the previously invalid added part, and

arguing that AAPA does not teach. Neither the specification nor the drawings

support this time added limitation. Therefore, the rejection of claim 1 under 35

U.S.C. 101 and 112, first paragraph have been added to notify Applicant that the

two amendments are not valid and do not meet the statutory matter.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sathyanarayan Pannala whose telephone number is

(571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sathyanarayan Pannala/
Primary Examiner

srp
December 30, 2008